

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERABIAN B. CARTHELL,

Petitioner,

vs.

GARY MINIARD,

Respondent.

2:21-CV-13014-TGB-CI

**ORDER DENYING
PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL
WITHOUT PREJUDICE**

Michigan prisoner Derabian B. Carthell has filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254. Now before the Court is Petitioner's motion for appointment of counsel. In support of his motion, Petitioner states that he needs the assistance of counsel to file a more detailed supplemental brief in support of his petition and that he is financially unable to retain counsel.

A petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995). In a civil case, appointment of counsel is "a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quotation omitted). The Court finds that the interests of justice do not

require the appointment of counsel at this time. *See* 18 U.S.C. § 3006A(a)(2)(B). The Court denies the motion without prejudice. If the Court finds appointment of counsel necessary at a future point in the proceedings, the Court will *sua sponte* reconsider Petitioner's request for counsel.

Accordingly, the Court **DENIES WITHOUT PREJUDICE** Petitioner's Motion for Appointment of Counsel (ECF No. 3).

IT IS SO ORDERED.

Dated: February 4, 2022 s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE